

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5278 of 2015**

Chhatrapalsingh Shyam S/o Indrabhan Shyam aged about 21 years Caste Gond R/o Bagdi (Chalkatola) P.S. Pendra Civil and Revenue District Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh through Station House Officer Police Station Pendra District Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. Ajit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****27/11/2015**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 115/2015, registered at Police Station Pendra District Bilaspur (C.G.), for the offence punishable under Sections 498-A, 306 of IPC.

2. Case of the prosecution, in brief, is that present applicant has instigated/abated deceased Senti Bai, his wife to commit suicide and thereby she committed suicide on 11/06/2015.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that in the dying declaration made before the Investigating Officer, she has not stated anything against the applicant whereas in the dying declaration made before the Executive Magistrate, she

has made specific allegation against the applicant. He would further submit that at the time of committing suicide, deceased's father was present as he was called by the applicant. He would lastly submit that charge sheet has been filed and applicant is in jail since 02/07/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant in offence in question; taking into account the fact that deceased locked herself in the room and thereby committed suicide; her father was said to be present at the time of committing suicide; charge sheet has been filed and applicant is in jail since 02/07/2015, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE